

REMARKS

The Amendment, filed in response to the Office Action mailed March 15, 2010, is believed to fully address all and every issue raised in the Office Action. Favorable reconsideration of the merits and allowance of the application are respectfully requested.

Disposition of Claims

Claims 1, 2, 4, 5, and 8-11 are all the claims pending in the application. Claims 1, 4 and 8-10 are amended and claims 3 and 6-7 are canceled. Claim 11 is added. No new matter is introduced. Entry and consideration of the amendment are respectfully requested.

Summary of Rejections

On page 3 of the Office Action, claims 1-10 are rejected under 35 U.S.C. § 103(a) as being obvious by Lee et al. (J. of Invest. Dermat., listed by Applicant in Information Disclosure Statement) and Ahn et al (KR 10-2003-0075492) in view of Park et al (KR 10-2003-0064986)

Both of Lee and Ahn were previously cited and discussed in detail in the previous Office Action, and the Examiner in general reiterates the characterization and analysis of Lee and Ahn. Thus, the detailed discussions appeared in the Office Action are not repeated herein.

With regard to the data included in Rule 132 Declaration by the inventor, Mr. Cho, the Examiner argues that (a) the Rule 132 Declaration does not contain actual data showing the ginsenoside F1 and EGCG, each alone does not show the skin-care effects when used alone, and conclusive arguments cannot replace the actual data or scientific evidence; and (b) the synergic effects attributed by the combined use of ginsenoside F1 and EGCG, in the amount indicated in

the Rule 132 Declaration fails to show the unexpected synergic effects which are commensurate in scope with the claims, because claims do not recite the amount of ginsenoside F1 and EGCG in the claimed composition.

Applicants respectfully traverse and proffer the following arguments.

Currently amended claims recite that the weight ratio of ginsenoside F1 : EGCG is 1 : 0.1 -10 (limitation of original claim 7) and the combined amount of ginsenoside F1 and DGCG is 0.0001% - 10% by weight based on the total weight of the composition.

In addition, we propose to amend claims 1 and 8-10 to include the limitations of claims 6 New claim 11 further defines the ratio of ginsenoside F1 : EGCG to 1:5 that shows the surprisingly high synergic effects, according to the data shown in Rule 132 Declaration by Mr. Cho.

Applicants respectfully submit that the currently amended claims are reasonably commensurate in scope with the data presented in Rule 132 Declaration by Mr. Cho. Favorable consideration and withdrawal of the rejection are respectfully requested.

Provisional Obviousness-Type Double Patenting

In the Office Action, Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the following copending applications:

- (1) Claims 7-10 of copending Application No. 12/135,663 (Your Ref.: PUS-051228, Sughrue REF.: Q108671) (effective US filing date: December 27, 2003) directed to an agent containing ginsenoside F1

which is useful to protect cell against UVB-induced apoptosis) in view of Ahn et al. (KR 10-2003-0075492, abstract, cited in PTO-892);

- (2) Claims 6 and 7 of copending Application No. 10/586,973 (Your Ref.: PUS-060126; Sughrue Ref.: Q96112) (effective US filing date: June 1, 2004) directed to a method of inhibiting gelatinase comprising applying a composition containing ginsenoside F1 and compound K) in view of Ahn et al. (KR 10-2003-0075492, abstract, cited in PTO-892);
- (3) Claims 1-13 of copending Application No. 12/064,887 (effective US filing date: September 8, 2006) directed to an anti-aging composition containing catechins (e.g., EGCG) and a flavonol in an amount of 0.0001-10 wt%, in view of Lee et al. (J. of Invest. Dermat., cited by Applicant in Information Disclosure Statement),.
- (4) Claims 15-21 of copending Application No. 11/443271 (effective US filing date: January 3, 2003), directed to a nanoemulsion containing ginsenoside F1 and compound K, in view of Ahn et al. (KR 10-2003-0075492, abstract, cited in PTO-892).

Applicants respectfully request the provisional rejection be held abeyance until any allowable subject matter is identified.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Sunhee lee/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 11, 2010

Sunhee Lee
Registration No. 53,892